

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

SCURA, WIGFIELD, HEYER, STEVENS &  
CAMMAROTA LLP

Guillermo Gonzalez (076102014)

1599 Hamburg Turnpike

Wayne, New Jersey 07470

Tel.: 973-696-8391

Counsel to Westgate Square II Condominium

In Re:

Ralph P. Netta,

Debtor.

Case No.:

16-24790

Judge:

Kathryn C. Ferguson

Hearing Date(s):

Oct. 25, 2017 at 9:00am

Chapter:

13

Order Filed on September 29, 2017  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Recommended Local Form

☒ Followed☐ Modified**ORDER RESOLVING MOTION TO VACATE STAY  
AND/OR MOTION TO DISMISS  
WITH CONDITIONS**The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.**DATED: September 29, 2017**A handwritten signature in black ink, appearing to read "Kathryn C. Ferguson".  
Honorable Kathryn C. Ferguson  
United States Bankruptcy Judge

Applicant: Westgate Square II Condominium Association  
Applicant's Counsel: Guillermo J. Gonzalez, Esq.  
Debtor's Counsel: Dennis Mahoney  
Property Involved ("Collateral"): 147 Linda Lan, Edison, NJ 08820  
Relief sought: ☒ Motion for relief from the automatic stay  
☐ Motion to dismiss  
☐ Motion for prospective relief to prevent imposition of automatic stay  
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 8 months, from August 2016 to September 2017.
- ☒ The Debtor is overdue for 8 payments at \$ Varies per month.
- ☒ The Debtor is assessed for 13 late charges at \$ 30 per month.
- ☐ Applicant acknowledges receipt of funds in the amount of \$ \_\_\_\_\_ received after the motion was filed.

Total Arrearages Due \$ \$3,568.00.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$ \$3,568.00. Payment shall be made no later than October 6, 2017.
- ☒ Beginning on October 1, 2017, regular monthly mortgage payments shall continue to be made in the amount of \$ 345.00.
- ☐ Beginning on \_\_\_\_\_, additional monthly cure payments shall be made in the amount of \$ \_\_\_\_\_ for \_\_\_\_\_ months.

☐ The amount of \$\_\_\_\_\_ shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$\_\_\_\_\_ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

- ☒ Immediate payment: Westgate Square II Condo. Assoc. c/o Executive Property  
Management  
PO Box 64148  
Phoenix, AZ 085082-4148
- ☒ Regular monthly payment: Westgate Square II Condo. Assoc. c/o Executive Property  
Management  
PO Box 64148  
Phoenix, AZ 085082-4148
- ☒ Monthly cure payment: Westgate Square II Condo. Assoc. c/o Executive Property  
Management  
PO Box 64148  
Phoenix, AZ 085082-4148

4. In the event of Default:

- ☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.
- ☒ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$ 350, and costs of \$ 176.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ to the Secured Creditor within \_\_\_\_\_ days.

☐ Attorneys' fees are not awarded.

/s/ Dennis M. Mahoney

\_\_\_\_\_  
Dennis M. Mahoney One  
Woodbridge Center  
Suite 240 Woodbridge,  
NJ 07095 Attorney for  
the Debtor

/s/ Guillermo Gonzalez

\_\_\_\_\_  
Guillermo J. Gonzalez Esq. Scura,  
Wigfield, Heyer, Stevens &  
Cammarota LLP  
1599 Hamburg Turnpike Wayne,  
NJ 07470  
Attorney for the Creditor

**Certificate of Notice Page 5 of 5**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Ralph P. Netta  
Debtor

Case No. 16-24790-KCF  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Oct 02, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 04, 2017.

db +Ralph P. Netta, 147 Linda Lane, Edison, NJ 08820-4509

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 04, 2017

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 2, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com  
Albert Russo docs@russotrustee.com  
Barbara Fein on behalf of Defendant Century 21 Main Street Realty, Inc. JulieP@lobaf.com,  
BarbaraF@lobaf.com  
Barbara A. Fein on behalf of Creditor Century 21 Main Street Realty JulieP@lobaf.com,  
BarbaraF@lobaf.com  
Denise E. Carlon on behalf of Creditor Wilmington Trust, NA, successor trustee to Citibank,  
N.A., trustee, in trust for registered holders of Bear Stearns Asset Backed Securities 2007-SD3,  
Asset-Backed Certificates, Series 2007-SD3 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Dennis M. Mahoney on behalf of Plaintiff Ralph P. Netta dmmahoneypa@aol.com  
Dennis M. Mahoney on behalf of Debtor Ralph P. Netta dmmahoneypa@aol.com  
Guillermo Gonzalez on behalf of Creditor Westgate Square II Condominium Association  
ggonzalez@scuramealey.com,  
ecfbkfilings@scuramealey.com;cbalala@scuramealey.com;ascolavino@scuramealey.com  
TOTAL: 8